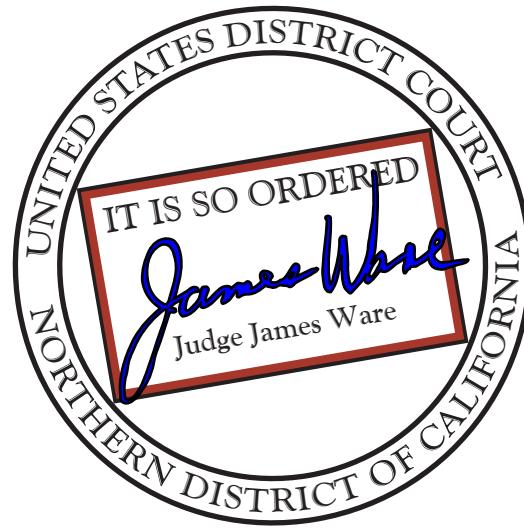


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23 ABE ALI, BILL STUDT, YOKOTOBi FUSAKO,
24 CONSTANCE CARLSON, AMY DAILY and JOE HASH
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14
15 UNITED STATES DISTRICT COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA

18 TODD ZEIGLER

19 Plaintiff,
20 v.
21 REDWOODS COMMUNITY COLLEGE DISTRICT, ABE ALI, BILL STUDT,
22 YOKOTOBi FUSAKO, CONSTANCE CARLSON, AMY DAILY, JOE HASH,
23 Does 1 through 10,
24 Defendants.

25 Case No. CV 11-04849 JW

26
27
28 STIPULATION AND [PROPOSED] ORDER TO
EXTEND TIME TO FILE RESPONSIVE
PLEADING BY INDIVIDUALLY NAMED
DEFENDANTS ABE ALI AND BILL STUDT

1 The parties in the above-captioned case, by and through their counsel of record, hereby represent
2 to the Court as follows:

3 1. On August 31, 2011, Plaintiff filed his initial Complaint in this action against Defendants
4 REDWOODS COMMUNITY COLLEGE DISTRICT, ABE ALI, BILL STUDT, YOKOTOBI
5 FUSAKO, CONSTANCE CARLSON, AMY DAILY, JOE HASH in Humboldt County Superior Court.

6 2. On September 1, 2011, Plaintiff served the Complaint on the REDWOODS
7 COMMUNITY COLLEGE DISTRICT.

8 3. On or about September 30, 2011 defendant REDWOODS COMMUNITY COLLEGE
9 DISTRICT removed the matter to the United States District Court, Northern District.

10 4. On October 7, 2011, defendant REDWOODS COMMUNITY COLLEGE DISTRICT
11 filed a Motion to Dismiss the Complaint as to the causes of action brought against it.

12 5. The Motion to Dismiss has been fully briefed by the parties and is set for hearing on
13 December 19, 2011.

14 6. Subsequent to the filing of that motion, counsel for the REDWOODS COMMUNITY
15 COLLEGE DISTRICT agreed to accept service of the complaint on behalf of CONSTANCE CARLSON
16 and JOE HASH, the only two individually named defendants still employed by the DISTRICT.

17 7. Pursuant to that acceptance of service, the responsive pleading of CONSTANCE
18 CARLSON and JOE HASH was due December 7, 2011.

19 8. On or about November 15, 2011, defendant AMY DAILY was served with the Complaint.
20 DAILY's responsive pleading was due December 6, 2011.

21 9. On or about November 18, 2011 defendant FUSAKO YOKOTOBI was served with the
22 Complaint. YOKOTOBI's responsive pleading was due December 9, 2011.

23 10. On December 2, 2011, the parties submitted a stipulation and Order to the Court seeking
24 to extend the time for the above named individual defendants to respond to the complaint until twenty-
25 one days after this Court issues its ruling on the DISTRICT's pending Motion to Dismiss, or as otherwise
26 set forth by the Court in its Order upon the DISTRICT's Motion to Dismiss.

27 11. On December 5, 2011, the Court issued an Order approving the parties stipulation, and
28 Ordering individual defendants CARLSON, HASH, DAILY and YOKOTOBI to respond to the

1 complaint twenty-one days after the Court issues its ruling on the DISTRICT's pending Motion to
2 Dismiss, or as otherwise set forth by the Court in its Order upon the DISTRICT's Motion to Dismiss.

3 12. Subsequent to receipt of this Court's Order, on or about December 8, 2011, defendant
4 ABE ALI was served with the Complaint. ALI's responsive pleading is due December 29, 2011.

5 13. On or about December 9, 2011 defendant BILL STUDT was served with the Complaint.
6 STUDT's responsive pleading is due December 30, 2011.

7 14. Individual defendants ALI and STUDT will be represented by counsel for the DISTRICT.
8 Four of the five causes of action contained in the complaint are common to both the DISTRICT and
9 individual defendants. These individual defendants intend to move to dismiss the complaint on similar
10 grounds as those set forth by the DISTRICT in its pending Motion to Dismiss set for hearing on
11 December 19, 2011, and potentially on additional grounds with respect to the cause of action brought
12 solely against them.

13 15. In the interests of judicial economy, and to avoid piecemeal litigation and multiple
14 repetitive Motions to Dismiss, the parties have, subject to this Court's approval, and as previously
15 stipulated with respect to individual defendants HASH, CARLSON, DAILY and YOKOTOBI, stipulated
16 to extend the responsive pleading deadline on behalf of defendants ALI and STUDT until twenty-one
17 days after this Court issues its ruling on the DISTRICT's pending Motion to Dismiss.

18 16. This Court issued its ruling granting the DISTRICT's Motion to Dismiss on December 15,
19 2011. The responsive pleading of individual defendants HASH, CARLSON, DAILY and YOKOTOBI is
20 now January 5, 2011. The parties stipulate and agree that the responsive pleading of defendants ALI and
21 STUDT shall be due January 5, 2011.

22 Dated: December 19, 2011

PETER E. MARTIN, A LAW CORPORATION

23
24 By: /s/ Peter E. Martin
Peter E. Martin
25 Attorneys for Plaintiff

1 Dated: December 15, 2011

BERTRAND, FOX & ELLIOT

2 By: /s/ Michael C. Wenzel

3 Michael C. Wenzel

4 Attorneys for Defendants

5

6 **ORDER**

7 Upon the foregoing Stipulation, and for good cause shown, IT IS ORDERED that Defendants
8 ABE ALI and BILL STUDT shall respond to Plaintiff's Complaint on or before January 5, 2011.

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10 DATED: December 20, 2011

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UNITED STATES DISTRICT JUDGE

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